

D. REMARKS

In the above-noted Office Action:

- Claims 1-6 were rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Mathews et al (US 5,035,637).
- Claims 1-2, 5-6 were rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Morris (US 6,609,487), and further in view of Mathews.
- Claim 7 was rejected under a combination of Morris in view of Hendriksma et al (US 6,499,451). Claim 7 was also rejected as unpatentable over Mathews in view of Hendriksma.
- Claim 8 was rejected as being unpatentable over Mathews in view of Payne et al (US 6,439,176). Claim 8 was also rejected as being unpatentable over Morris in view of Payne.
- Claims 10, 16-17, 18, 21, 24 and 26-27 were rejected under 35 U.S.C. 103(a) as being unpatentable over Iizuka et al (US 6,615,796) in view of Hendriksma, and further in view of Mathews.
- Claims 11-15, and 19 were rejected under 35 U.S.C. 103(a) as being unpatentable over Iizuka in view of Hendriksma, and further in view of Mathews and Payne.
- Claim 9 was allowed.
- Claims 20, 22-23 and 25 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

With this amendment, Applicants cancel claims 7 and 18 and provide new claims 28-32. Re-examination and reconsideration of the non-allowed claims are respectfully requested.

The Examiner has noted an error in the specification. Applicants thank the Examiner for pointing out such error and correction has been made.

New claim 30 presents prior dependent claim 20 in independent form.

New claim 31 presents prior dependent claim 22 in independent form.

New claim 32 presents prior dependent claim 25 in independent form.

New claim 28 takes the limitations of prior independent claim 1 and adds the limitations of a fastener sleeve brought forth in prior independent claim 9.

New claim 29 presents prior independent claim 1 and adds the limitations with regard to the gasket first and second material as provided in prior dependent 20.

Claim 1 was rejected either singularly over Mathews or by Morris or by a combination of Mathews and Morris. Applicants respectfully submit that Mathews and Morris do not anticipate, either singularly or in combination with each other, Applicants' invention as represented by amended claim 1.

As stated in paragraph [0005] of Applicants' application, one of the desires of Applicants' invention is to provide a method to accurately position the solenoid actuator. Accurate positioning is required due to the nature of the plunger and valve lift mechanism that this invention is best utilized with.

Mathews, as best shown in Figure 2, provides a cam cover gasket that allows for electrical leads to pass through it. The placement of the injector is best shown in Figures 1-2. The solenoid may be electrically connected to the gasket, but is not positioned by the gasket. Referring to Figures 7-11, Mathews illustrates electrical connectors that are connected to the gasket; however, the electrical connectors do not position the solenoid actuators.

In sharp contrast, as best shown in Figures 5 and 13 of Applicants' application, the solenoids are positioned by the gasket, not merely electrically connected thereto. Morris does not teach, suggest or reveal this aspect. Therefore, a combination of Mathews with Morris would still fail to obviate Applicants' invention. As revealed in claim 1, Applicants' gasket not only locates one solenoid, but properly locates at least two solenoids.

Claim 8 was rejected based upon the combination of Mathews with Payne. Claim 8 was also rejected based upon the combination of Morris with Payne. Payne is quite different than Applicants' invention. Payne brings forth a hydraulic control unit. Hydraulic control units have the distinct disadvantage of greater lag time as compared to solenoid actuating units of Applicants' invention. Referring to Figures 2-3 of Payne, the actuators (item 30) are connected to a bracket (item 84), which is in turn connected to a top cover. Therefore, placement of the flange between the

top cover and the engine head does not position the actuators. Accordingly, Payne is unlike Applicants' invention.

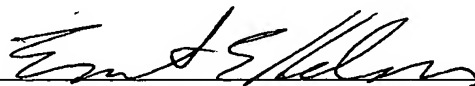
One knowledgeable in the art would not attempt to combine Payne with Mathews, since Payne is a hydraulically actuated unit, wherein Mathews is primarily concerned with electrical connectors. Regardless, the utilization of Payne with Morris or Mathews would require the utilization of an extra bracket, one of the things Applicants' invention seeks to avoid.

Claim 7 has been canceled. However, Applicants wish to address the Hendriksma reference. Hendriksma, as best shown in Figure 5, has the solenoid actuators (items 40') outside of the valve cover (item 56). This configuration is totally outside of the desired configuration of Applicants' invention wherein the solenoid actuators are within the valve cover.

Claims 10, 24 and 26 have been rejected under the combination of Iizuka, in view of Hendriksma and further in view of Mathews. However, none of these references bring forth a gasket captured between the cover and the head of the engine wherein there are a plurality of solenoid actuators that are positioned by and connected to the gasket. Such a combination would be unwieldy, since Applicants' invention has the solenoids underneath the cover and Hendriksma has the actuators above the cover. The Mathews gasket provides for electrical connection, but is not positioned. One skilled in the art utilizing Hendriksma, would attempt to place the actuators outside of the cover.

By this Amendment, Applicants have shown that the Examiner's rejections are respectfully traversed. As the application is otherwise in condition for allowance, such action is respectfully requested.

Respectfully submitted,



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